

IV. Rejection of Claims 1-10 and 18-29 under 35 U.S.C. §102(a)

Claims 1-10 and 18-29 stand rejected under 35 U.S.C. §102(a) as being anticipated by Hart (U.S. 6,227,440). Reexamination and reconsideration of the Examiner's rejection are requested.

Claims 1-10

Applicants' claim 1, as amended herein, recites the following:

A container comprising:
an outer layer of a relatively rigid material;
an inner layer of a relatively flexible fluid impervious material, at least a portion thereof attached to said outer layer;
a first access panel defined by at least one fold line and a plurality of cut lines provided on said outer layer; and
a second access panel located between said outer layer and said inner layer;
wherein at least a portion of said second access panel is attached to said inner layer; ~~and~~
wherein at least a portion of said second access panel is adjacent to at least a portion of said first panel; and
a catch formed at least partially in said first access panel and said second access panel.

In paragraph 12 of the Office action, the Examiner objects to claims 11-13, indicating that they would be allowable if rewritten independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended herein, as indicated above, to now include

the limitations of claim 11. Accordingly, claim 1 is now believed to be allowable. Claim 11 has been canceled. Claim 12 has been amended to depend from claim 1 rather than from canceled claim 11.

Claims 2-7, 9 and 10 are allowable at least as ultimately depending from allowable base claim 1. Claim 8 has been canceled.

Claims 18-25

Claims 18-25 have been canceled.

Claims 26-29

Claim 26, as amended herein, recites the following:

A method of dispensing a product from a container defining an interior portion and an exterior portion, said method comprising:

pivoting a first access panel hingedly attached to said container about a first axis;

disrupting an inner layer, thereby exposing said interior portion to said exterior portion;

after said pivoting said first access panel, pivoting a second access panel hingedly attached to said container about a second axis, thereby creating an opening between said exterior portion and said interior portion; and

dispensing said product from said container interior portion to said container exterior portion through said opening.

The Examiner takes the position that applicants' recited "first access panel" and "second access panel" are met by the Hart panel 35 and front wall 49 (of the spout 34), respectively.

Claim 26 has been amended herein, as indicated above. Accordingly, claim 26 now recites that the second access panel is pivoted *after* the first access panel is pivoted. Clearly, Hart does not disclose or suggest that the panel 35 and front wall 49 are pivoted at different points in time. Accordingly, claim 26, as amended herein, is not anticipated by Hart.

Claims 27 and 28 are allowable at least as ultimately dependent from allowable base claim 26. Claim 29 has been canceled herein.

V. Rejection of Claims 1-10 and 14-29 under 35 U.S.C. §102(b)

Claims 1-10 and 14-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ours et al. (U.S. 6,062,467). Reexamination and reconsideration of the Examiner's rejection are requested.

Claims 1-10 and 14-17

As noted above, claim 1 has been amended herein to now include the limitations of claim 11 (the Examiner objects to claim 11, indicating that it would be allowable if rewritten in independent form). Accordingly, the rejection of claim 1 over Ours et al. is believed to be overcome.

Claims 2-7, 9, 10 and 14-17 are allowable at least as ultimately depending from allowable base claim 1. Claim 8 has been canceled.

Claims 18-25

Claims 18-25 have been canceled.

Claims 26-29

Claim 26, as amended herein, recites the following:

A method of dispensing a product from a container defining an interior portion and an exterior portion, said method comprising:
pivoting a first access panel hingedly attached to said container about a first axis;
disrupting an inner layer, thereby exposing said interior portion to said exterior portion;
after said pivoting said first access panel, pivoting a second access panel hingedly attached to said container about a second axis, thereby creating an opening between said exterior portion and said interior portion; and
dispensing said product from said container interior portion to said container exterior portion through said opening.

The Examiner takes the position that applicants' recited "first access panel" and "second access panel" are met by the Ours et al. flap 5 and front panel 6, respectively.

Claim 26 has been amended herein, as indicated above. Accordingly, claim 26 now recites that the second access panel is pivoted *after* the first access panel is pivoted. Clearly, Ours et al. does not disclose or suggest that the flap 5 and front panel 6 are pivoted at different points in time.

Accordingly, claim 26, as amended herein, is not anticipated by Ours et al.

Claims 27 and 28 are allowable at least as ultimately dependent from allowable base claim 26. Claim 29 has been canceled herein.

VI. Rejection of Claims 1-10, 14-16 and 18-29 under 35 U.S.C. §102(b)

Claims 1-10, 14-16 and 18-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Walsh (WO 99/38779). Reexamination and reconsideration of the Examiner's rejection are requested.

Claims 1-10 and 14-16

As noted above, claim 1 has been amended herein to now include the limitations of claim 11 (the Examiner objects to claim 11, indicating that it would be allowable if rewritten in independent form). Accordingly, the rejection of claim 1 over Walsh is believed to be overcome.

Claims 2-7, 9, 10 and 14-16 are allowable at least as ultimately depending from allowable base claim 1. Claim 8 has been canceled.

Claims 18-25

Claims 18-25 have been canceled.

Claims 26-29

Claim 26, as amended herein, recites the following:

A method of dispensing a product from a container defining an interior portion and an exterior portion, said method comprising:
pivoting a first access panel hingedly attached to said container about a first axis;
disrupting an inner layer, thereby exposing said interior portion to said exterior portion;
after said pivoting said first access panel, pivoting a second access panel hingedly attached to said container about a second axis, thereby creating an opening between said exterior portion and said interior portion; and
dispensing said product from said container interior portion to said container exterior portion through said opening.

The Examiner takes the position that applicants' recited "first access panel" and "second access panel" are met by the Walsh central portion 124 or weakened portion 238 and the Walsh sheet 50 or paperboard 262, respectively.

Claim 26 has been amended herein, as indicated above. Accordingly, claim 26 now recites that the second access panel is pivoted *after* the first access panel is pivoted. Clearly, Walsh does not disclose or suggest that the central portion 124 or weakened portion 238 and the sheet 50 or paperboard 262 are pivoted at different points in time. Accordingly, claim 26, as amended herein, is not anticipated by Walsh.

Claims 27 and 28 are allowable at least as ultimately dependent from

allowable base claim 26. Claim 29 has been canceled herein.

VII. Rejection of Claims 18-20, 24 and 25 under 35 U.S.C. §102(b)

Claims 18-20, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sternau (U.S. 3,605,578).

Claims 18-20, 24 and 25 have been canceled herein.

VII. Rejection of Claims 18-20 and 23 under 35 U.S.C. §102(b)

Claims 18-20 and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by either Tokarski et al. (U.S. 5,992,734) or Pehr (U.S. 3,587,944).

Claims 18-20 and 23 have been canceled herein.

VIII. Claims 30-33


Claims 30-33, withdrawn from consideration by the Examiner have been canceled herein, without prejudice or disclaimer with respect to applicants' right to resubmit these claims in a later-filed (e.g., divisional) application.

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In view of the above, all of the claims are now believed to be in
condition for allowance. Re-examination and reconsideration are requested.

Respectfully submitted,
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